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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,894	09/08/2000	Dennis Lee Rice	Rice-1	2805

7590 07/22/2003  
Menotti J Lombardi  
ITT Fluid Technology  
10 Mountainview Road-North  
Upper Saddle River, NJ 07458

EXAMINER

TON, ANABEL

ART UNIT PAPER NUMBER

2875

DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicant(s)

09/657,894

Examiner

Anabel M Ton

Applicant(s)

RICE, DENNIS LEE

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2003.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-19 is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 6, 7 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5,10,12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al (6,315,435) and further in view of Williams (5,346,317).

3. Hamilton discloses the claimed invention except for disclosing a washer including a plurality of tabs. Hamilton discloses a housing including a first end a window in the first end of the housing, a lamp disposed within the housing so as emit light through said window a shaft, a positioning assembly secured within the housing, said positioning assembly including a first motor operable to rotate said housing in a first plane with respect to the shaft, and a second motor operable to pivot said housing in a second place with respect to the shaft, a first gear secured with respect to the shaft, and a second gear rotatable by the first motor wherein operation of the first motor causes the first and second gears to engage and rotate said assembly about the shaft in said first plane (figs 1-2), first and second planes are different, first and second planes are substantially different perpendicular to each other, the housing is substantially cylindrical, an elongated neck wherein the shaft passes through the neck into the housing. Williams discloses a disk (washer), which biasingly engages a plate to restrain

Application/Control Number: 09/657,894

Art Unit: 2875

rotation of a shaft (col. 2 lines 15-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the instant invention by combining the searchlight of Hamilton with the teaching of the washer to restrain movement of Williams for the purpose of providing a shaft with a desired limited movement for a desired application.

4. With regards to the rotation being limited to 380 degrees, it would have been obvious to one of ordinary skill in the art at the time the invention was made to limit rotation of the shaft to 380 degrees for the purpose of providing a searchlight that completes a full turn to illuminate a desired area. Furthermore, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

***Allowable Subject Matter***

5. Claim 6,7 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 14-19 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not disclose the following:

Application/Control Number: 09/657,894

Art Unit: 2875

- A third gear being rotatable by the second motor whereby operation of the second motor causes the first section gear and the third gear to engage thereby causing the third gear to travel along the first section gear and pivot the housing in the second plane.
- A third gear fixed with respect to the positioning of the shaft and engaged by the first gear and a section gear secured with respect to the body and engaged by the third gear.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (703) 305-1084. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



THOMAS M. SEMBER  
PRIMARY EXAMINER

Anabel M Ton  
Examiner  
Art Unit 2875

Application/Control Number: 09/657,894

Art Unit: 2875

AMT

July 14, 2003